

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America )

v. )

Case No. 7:25-po-01699

Marcos Ivan VARGAS-SILVA )

United States )

1982 )

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 13, 2025 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

19 USC 1459(a)

Entered the United States other than by vessel, vehicle or aircraft and failed to immediately report the arrival and present himself for inspection to a custom's officer.

This criminal complaint is based on these facts:

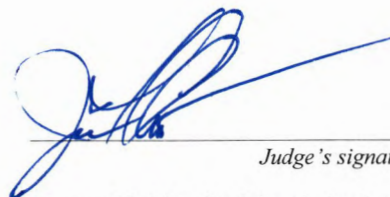
Marcos Ivan VARGAS-SILVA was encountered by Border Patrol Agents near Mission, Texas, on July 13, 2025, attempting to evade detection and arrest by Border Patrol Agents. After being detained, when questioned as to his citizenship, defendant stated that he was a citizen and national of the United States.

☒ Continued on the attached sheet.

Approved by AUSA Paxton Warner

/s/ Howard M Gessler*Complainant's signature*Howard Gessler Supervisory Border Patrol Agent*Printed name and title*

☒ Sworn to telephonically and signed electronically  
per Fed.R.Cr.4.1

Date: 07/14/2025 - 5:39

*Judge's signature*City and state: McAllen, TexasJuan F Alanis Magistrate Judge*Printed name and title*

## ATTACHMENT A

2. At approximately 2:40 pm, Border Patrol Agents (BPAs) observed four (4) subjects running from the Rio Grande River and enter a white Chevrolet Trax at the entrance of Anzalduas Park in Mission, Texas. BPAs suspected an alien smuggling attempt was taking place and initiated a vehicle stop to perform an immigration inspection, but the vehicle failed to yield. Four (4) subjects exited the vehicle and were apprehended by agents after a brief foot pursuit. The four subjects were interviewed, and it was determined three (3) were Mexican citizens illegally present in the United States. The other subject, identified as Marcos Ivan VARGAS-Silva, was also interviewed and claimed to be a United States citizen. VARGAS-Silva attempted to evade arrest by running away from BPAs. All the subjects were then transported to the McAllen Border Patrol Station for processing.

3. VARGAS-Silva a United States Citizen was read his Miranda rights and provided a statement.

VARGAS-SILVA stated that he was born Mexico and is a naturalized United States citizen residing in Alamo, Texas. VARGAS-SILVA claimed he had been in Mexico visiting his girlfriend but declined to answer how he entered the United States. He also failed to provide information regarding the other subjects who were apprehended in the smuggling attempt. VARGAS-Silva did state the youngest person in the group was acting as a brush guide and was using his cellular phone for navigation.

4. Yattzary Silva a United States Citizen was read her Miranda rights and provided a statement.

Silva stated she picked up four (4) subjects that she knew crossed illegally in the country. She stated she knew the subjects crossed illegally because she was in contact with a smuggler in Mexico who informed her that he was going to cross four (4) subjects for her to pick up. She was able to identify VARGAS-Silva as one of the subjects she picked up.

5. Laura Sandria-Leon a Mexican Citizen was read her Miranda rights and provided a statement.

Sandria stated she crossed the Rio Grande River from Mexico into the United States with three (3) subjects. She stated that she was the only female in the group and identified VARGAS-Silva as being one of the subjects who crossed with river with her.

6. Rafael de Jesus Arriasol-Ibarra a Mexican citizen was read his Miranda Rights and provided a statement.

Arriasol stated he contacted a known smuggler to cross illegally into the United States and didn't pay anything to cross. He was to pay something once in the United States. He crossed the Rio Grande River from Mexico into the United States with five (5) subjects one of which was the rafter who returned to Mexico. Arriasol identified VARGAS-Silva as one of the subjects who crossed the river with him.

7. VARGAS-Silva is currently on bond for an 8 USC 1324. On July 8, 2025, VARGAS-Silva was denied the motion to travel to Mexico.